

# Notice of Allowability

Application No.

09/851,539

Examiner

Dmitry Suhol

Applicant(s)

WILLETT, WILLIAM

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 3/152004.
2. ☒ The allowed claim(s) is/are 1-6,18,20,21,23-25 and 34-40.
3. ☒ The drawings filed on 07 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



DERRIS H. BANKS

SUPERVISORY PATENT EXAMINER  
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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anna McCoy on 29 March, 2004.

The application has been amended as follows:

Claim 20, line 2, "...the motor assembly includes..." has been deleted.

Claim 20, after "...a second motor..." insert - - is - -.

Claim 23, line 1, after "The doll of claim..." insert - - 1 - -.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The specific limitations of (with respect to claim 1) "...a position monitoring structure attached to the head and independent of the head position assembly, the position monitoring structure configured to monitor the plurality of predetermined head positions, wherein the positioning monitoring structure rotates with the head, such that the contact surface of the head position assembly triggers the position monitoring structure when the head is in the first head position" and (with respect to claim 34) "...a head position assembly interposed between the head and the base, the head position assembly having a

Art Unit: 3712

contact surface adapted to remain substantially stationary relative the base upon rotation of the head by the motor; and a position monitoring structure attached to the head configured to monitor the plurality of predetermined head positions, the positioning monitoring structure rotatable with the head such that the contact surface of the head position assembly triggers the position monitoring structure as the head rotates by the motor through the plurality of predetermined head positions; wherein the head is adapted to be physically turned by an external force from the first head position to a second head position and upon release return to the first head position" are not anticipated or made obvious over the prior art of record in the examiners opinion. For example, Del Castillo teaches a doll having a head and base (fig. 1), a motor (figure 10c, element 740) operatively connected to a head (fig. 1, and col. 2, lines 49-51), a head position assembly (figs. 1 and 10a-10c), a position monitoring structure (fig. 10b, element 654). However, Del Castillo, and prior art of record does not teach a position monitoring structure that is attached to the head, independent of the head position assembly and rotatable with the head such that the contact surface of the head position assembly trigger the position monitoring structure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Art Unit: 3712

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 703-305-0085. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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